

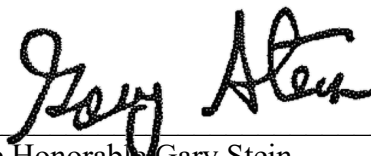
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CCRB investigation, or whether the CCRB's investigation concerns the IAB investigation of the September 3, 2022 incident (in which investigation Tanner was involved) or the September 3, 2022 incident itself (in which Tanner was not involved). Whether the existence of the CCRB investigation will pose any genuine impediment to Corporation Counsel's ability to determine whether it may appropriately represent Defendant Tanner in this case is, therefore, a matter of speculation. Indefinitely staying this action pending completion of the CCRB investigation is, in any event, "not the only solution to that problem, nor the most appropriate one." *Saint-Fort*, 2023 WL 2771606, at *3. Separate counsel can be found for Defendant Tanner on an interim basis while Corporation Counsel determines whether it can represent him under N.Y. Gen. Mun. L. § 50-k(2). *Id.*; see also *Lester*, 21 Civ. 6877, Dkt. No. 36, at 3 ("Defense counsel's conflict concern is obviated by Officer Gallagher's ability to retain independent defense counsel."). Although the City cited *Baldemora v. City of N.Y.*, No. 23 Civ. 10549 (KPF) (S.D.N.Y. 2023) as an example of a stay being granted pending a CCRB investigation, in that case the plaintiff consented to the stay. (*Id.*, Dkt. No. 9).

The Court, however, grants the request of both the City and Defendants Bragg, Viorst, and Loeb for an extension of time to answer or otherwise respond to the Complaint. As discussed during the conference, the time for these Defendants, as well as Defendant Tanner, to answer or otherwise respond to the Complaint is extended to **December 18, 2024**. If any Defendant files a motion to dismiss, Plaintiff's opposition brief shall be due by **January 15, 2025**, and any reply brief shall be due by **January 29, 2025**.

SO ORDERED.

DATED: New York, New York
November 18, 2024



The Honorable Gary Stein
United States Magistrate Judge